

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.25249 of 2005

23.3.2006

Between:

Tanneeru Raja Babu, S/o.Brahmanandam

... Petitioner

AND

The Commissioner, Bhimavaram Municipality

And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.25249 of 2005

ORDER:

The petitioner is a resident of Bhimavaram town. He is also a licensed surveyor. After the elections to Bhimavaram Municipality in 2005, the first respondent issued a notice inviting applications for co-option of member having special knowledge and experience in municipal administration. The petitioner submitted application. After scrutiny, the first respondent issued a notice dated 22.11.2005 proposing to hold special meeting of Municipal Council, Bhimavaram on 30.11.2005 for co-option of members. The petitioner was shown as ineligible in the list of applicants. Aggrieved by which, the present writ petition is filed.

This Court, while admitting the writ petition, passed interim orders of stay of meeting scheduled on 30.11.2005. Along with an application being W.V.M.P.No.88 of 2006 for vacating the stay, the first respondent filed a detailed counter affidavit. Two reasons are given for disqualifying the petitioner. First, the petitioner is a licensed surveyor and, therefore, incurs disqualification and secondly, he did not enclose any certificate in proof of special knowledge and experience in municipal administration.

Learned Counsel for the petitioner submits that Rule 3 of the Andhra Pradesh Municipal Councils/Nagar Panchayats (Co-option of Members having Special Knowledge or Experience in Municipal Administration) Rules, 1995 (the Rules, for short), does not disqualify a person, who is a licensed surveyor and, therefore, the petitioner's application cannot be rejected. This Court is not able to accept the submission. A person, who is an applicant for co-option as member of municipal council should not only fulfil eligibility criteria containing in Rule 3 of the Rules and as per Rule 4 of the Rules, such person should also not incur any disqualification of elected members. Under Section 14 of A.P. Municipalities Act, 1965 (the Act, for brevity), a person who is holding office of profit under Municipality, Central Government or State Government, shall be disqualified. There is no denial of the legal position that a person is licensed under Section 330 of the Act, it is certainly an office of profit under the Municipality. Insofar as the allegation of the first respondent that the petitioner has not enclosed the requisite experience certificate, there is no denial. Therefore, this Court does not find any infirmity in the action of the first respondent in not including the name of the petitioner in the list of eligible applicants for co-option.

The writ petition is misconceived and is, accordingly, dismissed. No costs.

(V.V.S.RAO,J)

March 23, 2006

YS